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Damon V. Danieli

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EXAMINER

ZIA, SYED

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 09/515,793	<b>Applicant(s)</b> DANIELI ET AL.	
	<b>Examiner</b> Syed Zia	<b>Art Unit</b> 2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-25 and 27-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. This office action is in response to response filed on February 13, 2006. Applicant amended Claims 11, and 19 to fix typing error. The amendment filed have been entered and made of record. Presently claims 1-6, 8-25, and 27-34 are pending.

### ***Response to Arguments***

Applicant's arguments filed on February 13, 2006 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1-6, 8-25, and 27-34 applicants argued that the cited prior art Kaji et al. (U. S. Patent 6,183,367) does not teach, "*a host player, and it would not be obvious to combine Kaji and Appleman because Appleman does not teach or suggest a gaming network and therefore not analogous art in regard to applicants' claim*".

This is not found persuasive. The system of cited prior art teaches system and method of multiplayer networked gaming environment where the game communication system connects the game devices through a communication medium, thereby forming the network. This gaming host system also teaches that each game apparatus is controlled by a player when execute the game. Therefore, the host gaming system teaches a home player (i.e. host player) where the players are located in the same virtual space,) to transfer of game data that involves transmission and reception of game data required by the host system of the home game device, between the

home device and other game devices (col.22 line 27 to line 43, and col.23line 44 to line 63).

Regarding applicant's second argument that cited art Appleman does not teach gaming environment.

Examiner respectfully disagrees and state that Appleman was not relied on to teach the multiplayer gaming network but specifically relied on creating a list of contacts to initiate a chat to join player playing multiplayer online game system of Kaji. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Appleman explicitly discloses computing environment that relates to methods and apparatus for tracking users (i.e. players) availability, relationships and maintaining knowledge of the players on a system with a unique way of establishing and maintaining user definable on-line co-user (i.e. invited player) lists, such as creating a list of contacts comprising one or more other persons who may be interested in participating in playing the multiplayer online electronic game (Fig.6, 10, and col.5 line 14 to col.7 line 6). Therefore, It would have been obvious to one ordinary skilled in the art at the time of invention to combine the teachings of Kaji and Appleman, because Appleman's method of definable online player list for interpersonal communication on a gaming network would not only promote flexibility structure in the system of Kaji during playing multiplayer online computer

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game. and receiving data from host player and other invited player(s), but will also provide online messaging interface (such as for chat participants) to facilitate enabling individuals to host and invite other players to join the game from a defined chat list and giving ability to invited player to accept or decline the invitation (Kaji:col2 line 3 to line 17).

As a result, the system of cited prior art does implement and teaches a system and method for players to host and join new instances of multiplayer online electronic games.

Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that APA does teach or suggest the subject matter broadly recited in independent and dependent claims. Accordingly, rejections for Claims 1-6, 8-25, and 27-34 are respectfully maintained.

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 1-6, 8-25, 27-34 of instant application (hereafter '793) are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 39-54 of copending Application No. 11090826 (hereafter '826). Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations of claims 1-6, 8-25, 27-34 of '793 are found in claim 39-54 of '826.

Therefore, Claims 1-6, 8-25, 27-34 '793 are anticipated by claims 39-54 of '826, because all the limitation of broader genus claims of '793 are contained in the narrower species claims of '826, as enunciated in (*ELI LILLY AND COMPANY v BARR LABORATORIES, INC.*, United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " *ELI LILLY AND COMPANY v BARR LABORATORIES, INC.*, United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

3. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-6, 8-25, 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji et al. (U. S. Patent 6,183,367) in view of Appleman et al. (U.S. Patent No. 6,677,968) and further in view of Das et al. (ACM Publication VRST' 97 "NetEffect: A Network Architecture for Large-scale Multi-user Virtual Worlds").

1. Regarding Claim 1 Kaji teaches and describes method that relates to a communicative game system comprising a plurality of game devices linked by means of communications media, which is suitable for conducting a game of a format wherein a plurality of people compete against each other by means of these game devices thus enabling a host player to select one or more other participants to join in playing a multiplayer online electronic game, comprising the steps of:

enabling the host player to create a list of contacts comprising one or more other persons who may be interested in participating in playing the multiplayer online electronic game, enabling the host player to select one or more of the other persons from among the list of contacts to participate in playing the multiplayer online electronic; automatically sending an electronic invitation to each of the one or more other persons selected by the host player, to join in playing the multiplayer online electronic game, and enabling each of the one or more other persons who receive the electronic invitation that was automatically sent, to selectively join the multiplayer online electronic game as a participant ( Fig.9, and col.8 line 55 to col.9 line 41).

Kaji does not disclose explicitly disclose a creating a list of contacts to initiate a chat to join player playing multiplayer online game. Appleman on the other hand discloses computing environment that relates to methods and apparatus for tracking users (i.e. players) availability, relationships and maintaining knowledge of the players on a system with a unique way of establishing and maintaining user definable on-line co-user (i.e. invited player) lists, such as creating a list of contacts comprising one or more other persons who may be interested in participating in playing the multiplayer online electronic game (Fig.6, 10, and col.5 line 14 to col.7 line 6).

Therefore, It would have been obvious to one ordinary skilled in the art at the time of invention to combine the teachings of Kaji and Appleman, because Appleman's method of definable online player list for interpersonal communication on a gaming network would not only promote flexibility structure in the system of Kaji during playing multiplayer online computer game and receiving data from host player and other invited player(s), but will also provide online messaging interface (such as for chat participants) to facilitate enabling individuals to host and



invite other players to join the game from a defined chat list and giving ability to invited player to accept or decline the invitation (Kaji:col2 line 3 to line 17).

3. Regarding Claim 14 Kaji teaches and describes method that relates to a communicative game system comprising a plurality of game devices linked by means of communications media, which is suitable for conducting a game of a format wherein a plurality of people compete against each other by means of these game devices thus enabling a host player to select one or more other players to participate in a multiplayer online electronic game played using a plurality of electronic devices linked in communication over a communications network, each of said plurality of electronic devices being operated by a different player, the method comprising the steps of: enabling the host player to initiate a chat session; enabling the host player to invite one or more other players to join the chat session, and enabling any of the players who were invited by the host, to be a participant in the chat session; and automatically launching an instance of the multiplayer online electronic game on each electronic device being operated by any player participating in the chat session, said step of automatically launching being in response to a game initiating action performed by the host player so that any player participating in the chat session automatically becomes a participant in the multiplayer online electronic game, and enabling each player to transmit voice chat data to all of the other players who have joined the chat session ( Fig.9, and col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30).

Kaji does not disclose explicitly disclose a creating a list of contacts to initiate a chat to join player playing multiplayer online game. Appleman on the other hand discloses computing environment that relates to methods and apparatus for tracking users (i.e. players) availability,

relationships and maintaining knowledge of the players on a system with a unique way of establishing and maintaining user definable on-line co-user (i.e. invited player) lists, such as creating a list of contacts comprising one or more other persons who may be interested in participating in playing the multiplayer online electronic game, enabling the host player to select one or more of the other persons from among the list of contacts to participate in playing the multiplayer online electronic; automatically sending an electronic invitation to each of the one or more other persons selected by the host player, to join in playing the multiplayer online electronic game, and enabling each of the one or more other persons who receive the electronic invitation that was automatically sent, to selectively join the multiplayer online electronic game as a participant, and enabling each player to transmit voice chat data to all of the other players who have joined the chat session ( Fig.6,10, and col.5 line 14 to col.7 line 6).

Therefore, It would have been obvious to one ordinary skilled in the art at the time of invention to combine the teachings of Kaji and Appleman, because Appleman's method of definable online player list for interpersonal communication on a gaming network would not only promote flexibility structure in the system of Kaji during playing multiplayer online computer game and receiving data from host player and other invited player(s), but will also provide online messaging interface (such as for chat participants) to facilitate enabling individuals to host and invite other players to join the game from a defined chat list and giving ability to invited player to accept or decline the invitation (Kaji:col2 line 3 to line 17).

4. Regarding Claim 29 Kaji teaches and describes method that relates to a communicative game system comprising a plurality of game devices linked by means of communications media,

which is suitable for conducting a game of a format wherein a plurality of people compete against each other by means of these game devices thus enabling a host player to select one or more other players to participate in a multiplayer online electronic game played using a plurality of electronic devices linked in communication over a communications network, each of said plurality of electronic devices being operated by a different player, the method comprising the steps of: enabling the host player to initiate a voice chat session; enabling the host player to invite one or more other players to join the voice chat session; enabling any of the players who were invited by the host, to be a participant in the voice chat session; enabling the host player to forward a network address corresponding to an electronic device being operated by the host to any other player participating in the voice chat session; and transmitting a voice chat message from the host player to any other player participating in the voice chat session, said voice chat message identifying a multiplayer online electronic game that the host player will be launching or has already launched on the electronic device operated by the host player so that any other player participating in the voice chat session can selectively launch an instance of the multiplayer online electronic game on the electronic device operated by the player, so that any player participating in the chat session who selectively launches the multiplayer online electronic game becomes a participant in the multiplayer online electronic game session ( Fig.9, and col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30).

Kaji does not disclose explicitly disclose a creating a list of contacts to initiate a chat to join player playing multiplayer online game. Appleman on the other hand discloses computing environment that relates to methods and apparatus for tracking users (i.e. players) availability, relationships and maintaining knowledge of the players on a system with a unique way of

establishing and maintaining user definable on-line co-user (i.e. invited player) lists, such as creating a list of contacts comprising one or more other persons who may be interested in participating in playing the multiplayer online electronic game (Fig.6, 10, and col.5 line 14 to col.7 line 6).

Therefore, It would have been obvious to one ordinary skilled in the art at the time of invention to combine the teachings of Kaji and Appleman, because Appleman's method of definable online player list for interpersonal communication on a gaming network would not only promote flexibility structure in the system of Kaji during playing multiplayer online computer game and receiving data from host player and other invited player(s), but will also provide online messaging interface (such as for chat participants) to facilitate enabling individuals to host and invite other players to join the game from a defined chat list and giving ability to invited player to accept or decline the invitation (Kaji:col2 line 3 to line 17)..

5. Regarding Claim 33 Kaji teaches and describes method that relates to a communicative game system comprising a plurality of game devices linked by means of communications media, which is suitable for conducting a game of a format wherein a plurality of people compete against each other by means of these game devices thus enabling a host player to select one or more other players to participate in playing a multiplayer online electronic game played using a plurality of electronic devices linked in communication over a communications network, each of said plurality of electronic devices being operated by a different player and including: a display on which a user interface is implemented; a memory in which a plurality of machine instructions are stored; and a processor coupled to the memory for executing said plurality of machine instructions, said

processor implementing a plurality of functions when executing the machine instructions, including; enabling the host player to initiate a chat session ; enabling the host player to invite one or more other players to join the chat session, and enabling any of the players who were invited by the host, to be a participant in the chat session; and automatically launching an instance of the multiplayer online electronic game on each electronic device being operated by any player participating in the chat session, said step of automatically launching being in response to a game initiating action performed by the host player so that any player participating in the chat session automatically becomes a participant in the multiplayer online electronic game, - employing the microphone, the sound transducer, and the electronic device to enable each player to transmit voice chat data to all of the other players who have joined the voice chat session, sending an electronic invitation to a player being invited by the host player to join the chat session, and producing an audible announcement with said at least one sound transducer apprising a recipient of the electronic invitation that the host player has invited the recipient to join that chat session, and enabling the electronic invitation to be accepted by the recipient through use of a verbal response spoken into the microphone by the recipient ( Fig.9, and col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30, and col.22 line 25 to line 63).

Kaji does not disclose explicitly disclose a creating a list of contacts to initiate a chat to join player playing multiplayer online game. Appleman on the other hand discloses computing environment that relates to methods and apparatus for tracking users (i.e. players) availability, relationships and maintaining knowledge of the players on a system with a unique way of establishing and maintaining user definable on-line co-user (i.e. invited player) lists, such as creating a list of contacts comprising one or more other persons who may be interested in

participating in playing the multiplayer online electronic game (Fig.6, 10, and col.5 line 14 to col.7 line 6).

Therefore, It would have been obvious to one ordinary skilled in the art at the time of invention to combine the teachings of Kaji and Appleman, because Appleman's method of definable online player list for interpersonal communication on a gaming network would not only promote flexibility structure in the system of Kaji during playing multiplayer online computer game and receiving data from host player and other invited player(s), but will also provide online messaging interface (such as for chat participants) to facilitate enabling individuals to host and invite other players to join the game from a defined chat list and giving ability to invited player to accept or decline the invitation (Kaji:col2 line 3 to line 17).

6. Claims 2, 4, 8, 10, 11, 13, 15, 16, 21, 24, 25, 27, 28, 30, 32, 34, and 35 are rejected applied as above rejecting Claims 1, 14, 29, and 33. Furthermore, , the system of Kaji and Appleman teaches and describes a system and method of computer games that is played over computer network, wherein:

- the step of providing an availability status for each person in the list of contacts so as to enable the host player to identify persons in the list of contacts who are currently available to participate in playing the multiplayer online electronic game; the host player is enabled to build a list of chat contacts through use of an online messaging service, said list of chat contacts automatically being parsed to create the list of contacts; the electronic invitation comprises a verbal message; the steps of providing a list of multiplayer online electronic games to the host

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player, and enabling the host player to select the multiplayer online electronic game from said list of multiplayer online electronic games; the steps of: (a) providing a user interface including a first display area on which the list of contacts is displayed and a second display area corresponding to a voice chat session; and (b) enabling the host to select the one or more contacts to invite to join the voice chat session by selecting one or more contacts from among the list of contacts displayed in the first display area and dragging and dropping them onto the second display area (Kaji: Fig.9, and col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30, and col.22 line 25 to line 63, and Appleman: Fig.6, 10, and col.5 line 14 to col.7 line 6);

- computer readable medium having computer executable instructions for performing the steps recited in Claim 1 (Kaji: col.2 line 46 to line 60);

- the step of providing a network address of the electronic device the host player is using and operating so as to enable the host player to invite one or more other players to join in playing the multiplayer online electronic game, by referencing said network address; the host player is a member of an online messaging service that enables the host player to build a player contact list comprising a list of one or more players with whom the host prefers to chat and/or play multiplayer online electronic games, further comprising the steps of: (a) displaying the player contact list to the host player ; and (b) enabling the host player to select one or more other players to participate in playing the multiplayer online electronic game from the player contact list; the step of sending an electronic invitation to join the chat session to each of the one or more players invited by the host player to join the chat session ;each player is a member of an online messaging service that enables the player to build a player contact list comprising a list of one or more players with whom the player prefers to chat and/or play multiplayer online computer

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games, further comprising the step of: (a) providing a list of chat sessions that are being hosted by at least one other player contact in a player contact list built by the player; and (b) enabling the player to join a chat session appearing in the list of chat sessions; the step of providing a headset operatively coupled in communication with each of said plurality of electronic devices, each headset comprising at least one sound transducer and a microphone employed by each players to participate in a voice chat session; the steps of providing a list of multiplayer online electronic games; and enabling the host player to select the multiplayer online electronic game that will be played ((Kaji: Fig.9, and col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30, and col.22 line 25 to line 63, and Appleman: Fig.6, 10, and col.5 line 14 to col.7 line 6);

- computer readable medium having computer executable instructions for performing the steps recited in Claim 14 (Kaji: col.2 line 46 to line 60);

- the host player is a member of an online messaging service that enables the host player to build a player contact list of one or more players with whom the host prefers to chat and/or play multiplayer online computer games, further comprising the steps of:

- (a) providing the player contact list to the host player ; and (b) enabling the host player to select one or more players to participate in the multiplayer online electronic game from the player contact list; computer readable medium having computer executable instructions for performing the steps recited in Claim 29; the host player is a member of an online messaging service that enables the host player to build a player contact list of one or more players with whom the host may desire to play multiplayer online computer games, and wherein execution of the plurality of machine instructions further implements the functions of: (a) obtaining the player contact list from the online messaging service, and (b) displaying the player contact list to the host player ();



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and (c) enabling the host player to select one or more players to participate in the multiplayer online electronic game from the player contact list (Kaji: Fig.9, and col.2 line 46 to line 60; col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30, and col.22 line 25 to line 63, and Appleman: Fig.6, 10, and col.5 line 14 to col.7 line 6);

7. Claims 3, 5, 6, 7, 9, 12, 17-19, 22, 26, 31, and 36 are rejected applied as above rejecting Claims 2, 4, 8, 11, 16, 21, 25, 30, and 35. Furthermore, , the system of Kaji and Appleman describes system and method of on-line messaging to facilitate users to select participants, wherein:

- the step of enabling each person in the list of contacts to select an availability status indicating the person's availability for participating in playing a multiplayer online electronic game; at least one person in the list of contacts is not currently logged into the online messaging service and has been invited to join the multiplayer online electronic game, further comprising the step of automatically forwarding the electronic invitation to join the multiplayer online electronic game to said at least one person when said at least one person logs into the online messaging service; selection of game participants and voice chat communications before and during game play is facilitated by a gaming utility that runs on an electronic device operated by each game participant and at least one person in the list of contacts has been invited to join the multiplayer online electronic game and has not started an instance of the gaming utility on the electronic device(s) operated by said at least one person, further comprising the step of automatically forwarding the electronic invitation to join the multiplayer online electronic game to said at least one person when said at least one person launches an instance of the gaming

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utility on the electronic device(s) operated by said at least one person; the step of enabling the electronic invitation to be accepted by a person invited to join the game through a verbal response spoken by said person; a plurality of contacts can be selected and dragged and dropped onto the second display area at one time (Kaji: Fig.9, and col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30, and col.22 line 25 to line 63, and Appleman: Fig.6, 10, and col.5 line 14 to col.7 line 6);

- the step of providing an availability status for each player in the player contact list; the step of enabling each player to select an availability status indicating the player's availability to join a chat session; the steps of: (a) providing a user interface including a first display area on which the list of contacts is displayed and a second display area corresponding to a voice chat session; and (b) enabling the host to select the one or more contacts to invite to join the voice chat session by selecting one or more contacts from among the list of contacts displayed in the first display area and dragging and dropping them onto the second display area; the electronic invitation includes an audible announcement apprising any player receiving the electronic invitation that the host player has invited the player to join the chat session the step of enabling a player to transmit voice chat data to all of the other players who have joined the voice chat session; the step of providing an availability status for each player in the player contact list ((Kaji: Fig.9, and col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30, and col.22 line 25 to line 63, and Appleman: Fig.6, 10, and col.5 line 14 to col.7 line 6).

8. Claims 20, and 23 are rejected applied as above rejecting Claims 19, 22, Furthermore, the system of Kaji and Appleman teaches and describes on-line game playing mechanism, wherein:

- a plurality of contacts can be selected and dragged and dropped onto the second display area at one time; the step of enabling the electronic invitation to join the chat session to be accepted by a recipient through a verbal response spoken by the recipient, whereupon said recipient becomes a participant in the chat session (Kaji: Fig.9, and col.8 line 55 to col.9 line 41, col. 10 line 20 to col.11 line 30, and col.22 line 25 to line 63, and Appleman: Fig.6, 10, and col.5 line 14 to col.7 line 6).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ

  
May 01, 2006